

RONALD THOMAS DRAKOS
PETITIONER

V.

ED GONZALEZ,
HARRIS COUNTY SHERIFF DEPT.,
THE STATE OF TEXAS,
TEXAS DEPT. OF CRIMINAL JUSTICE
BOARD OF PARDONS AND PAROLE
RESPONDENTFOR THE
SOUTHERN DISTRICT, HOUSTON DIVISIONUnited States Courts
Southern District of Texas
FILED

CAUSE NO.

APR 20 2020

David J. Bradley, Clerk of Court

PETITION FOR WRIT OF HABEAS CORPUS UNDER 28 USC § 2241 OR IN THE ALTERNATIVE 28 USC § 1331

PERSONAL INFORMATIONJURISDICTION

1.(a) FULL NAME: RONALD THOMAS DRAKOS II
 (b) OTHER NAMES USED: RONNIE DRAKOS, RONALD THOMAS DRAKOS

2.(a) PLACE OF CONFINEMENT: HARRIS COUNTY SHERIFF DEPARTMENT
 (b) ADDRESS: 1200 BAKER STREET, HOUSTON TEXAS 77002
 (c) IDENTIFICATION NUMBER: 01715680

3. I AM BEING HELD BY STATE AUTHORITIES

4. I AM A PRETRIAL DETAINEE AND ON PAROLE
 (a) FOR THE SENTENCE I AM ON PAROLE FOR I WAS SENTENCED IN THE 179TH DISTRICT COURT
 IN HARRIS COUNTY TEXAS LOCATED AT 201 CAROLINE, HOUSTON TEXAS 77002
 (b) THAT DOCKET NUMBER WAS #1545225
 (c) I WAS SENTENCED ON 04/18/2018 TO 3 YRS TDCJ WHICH EXPIRES ON 04/13/2020

THE DECISION AND ACTION BEING CHALLENGED NOW ARE BELOW

5.(a) I CHALLENGE MY PRETRIAL DETENTION
 (b) I CHALLENGE MY DETAINER

6. MORE INFORMATION ABOUT THE DECISION OR ACTION AGAINST ME: PARTIES
 (d)
 1. SHERIFF ED GONZALEZ, HARRIS COUNTY SHERIFF DEPARTMENT
 2. TEXAS DEPARTMENT OF CRIMINAL JUSTICE, PAROLE DIVISION P.O. BOX 13401 CAPITOL STATION
 AUSTIN, TEXAS 78711
 (b)
 1. HARRIS COUNTY DISTRICT COURT 179 CASE NUMBER #1650428
 2. TEXAS DEPARTMENT OF CRIMINAL JUSTICE #02193025
 (c) THE DECISIONS I AM CHALLENGING
 1. I CHALLENGE MY DETENTION BECAUSE OF DANGER POSED TO ME BY THE COVID19
 PANDEMIC. MY CONTINUED DETENTION VIOLATES MY FIFTH AMENDMENT RIGHTS BY
 EXPOSING ME TO SUBSTITAL RISKS OF ILLNESS AND DEATH.
 (d) I WAS COMMITTED TO LOSTODY ON 10/18/2019

7. FIRST APPEAL OR GRIEVANCE EXHAUSTION OF ADMINISTRATIVE REMEDIES
 (c) PETITIONER FILED A DEFENDANTS MOTION FOR PERSONAL BOND
 1. IN THE 262ND DISTRICT COURT OF HARRIS COUNTY TEXAS
 2. THIS MOTION WAS MAILED TO THE DISTRICT CLERKS OFFICE ON 03/13/2020
 3. THE CASE NUMBER TO THAT MOTION IS #1650428
 4. THE COURT HAS FAILED TO RULE ON MOTION FOR PERSONAL BOND #1650428
 5. AS OF NOW 04/12/2020
 6. PETITIONER NOTIFIED THE GRIEVANCE BOARD AND PRIOR TO THE GRIEVANCE
 BOARD NOTIFICATION WAS SENT TO A SHIFT SUPERVISOR THAT UPON HIS REQUEST
 TO THE LAW LIBRARY FOR 2241, 1331 FORMS AS WELL AS CASE LAW HAVING TO
 DO WITH MALAM V. ADDUCCI HIS REQUEST TO ACCESS AND RECEIVE
 NECESSARY MATERIALS HAVE BEEN ANHOLELY IGNORED OR DENIED.

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(0)

(6) IN THIS MOTION I RAISED THE ISSUE OF THE INHERENT RISK OF CONTRACTING COVID 19 WHILE CONFINED HERE AT THE JAIL AS WELL AS THE IMMINENT DANGER THAT THIS DISEASE POSES TO ME SINCE I HAVE ~~ASTHMA~~.

B. N/A

C. N/A

D. I AM NOT CHALLENGING THE VALIDITY NOR THE SENTENCE OF A CONVICTION AT THIS TIME.

E. THIS CASE HAS NOTHING TO DO WITH IMMIGRATION.

F. N/A

THE GROUNDS FOR MY CHALLENGE IN THIS PETITION ARE AS FOLLOWS:
CAUSES OF ACTION

13. GROUND ONE:

RESPONDENTS ARE IN FLAGRANT VIOLATION OF MY FIFTH AMENDMENT RIGHTS TO SUBSTATIVE AND PROCEDURAL DUE PROCESS, UNLAWFUL PUNISHMENT, FREEDOM FROM CRUEL TREATMENT AND UNREASONABLY POOR CONDITIONS OF CONFINEMENT.

(A) SUPPORTIVE FACTS:

HARRIS COUNTY SHERIFF ED GONZALEZ HAS MADE IT PUBLICLY KNOWN THAT HE FEARS FOR THE SAFETY OF INMATES AND STAFF OF THE HARRIS COUNTY JAIL AS WELL AS HIS INABILITY TO STOP THE WILD FIRE SPREAD OF COVID 19 IN HIS LOCK-UP. HE HAS ALSO STATED THAT HE AS WELL AS THE MEDICAL SERVICES IN THE JAIL AND ALSO AROUND HOUSTON, TX, AND HARRIS COUNTY WOULD NOT BE ABLE TO ADEQUATELY MEDICALLY TREAT THE INMATES ONCE THE INEVITABLE SPREAD OF COVID 19 TOOK OR TAKES PLACE IN THE JAIL POPULATION OF ALMOST 8000 INMATES. THIS SPREAD WOULD NOT ONLY OVERWHELM THE JAIL BUT ALSO THE MEDICAL FACILITIES AROUND THE COUNTY. DUE TO IMMENSE CAPACITY OF THE JAIL AND THE INABILITY FOR SOCIAL DISTANCING THIS IS A MEDICAL CRISIS BECAUSE SOCIAL DISTANCING AS WELL HYGIENE MEASURES ARE THE ONLY DEFENSE TO COVID 19. THESE MEASURES ARE EXCEEDINGLY DIFFICULT IF NOT IMPOSSIBLE IN HARRIS COUNTY JAIL WHERE INMATES/PETITIONERS SHARE SINKS, SHOWERS, TOILETS, COMMUNAL EATING SURFACES AND EVERY SURFACE IS PREDOMINANTLY MADE OF STAINLESS STEEL WHERE THE VIRUS IS SAID TO LIVE THE LONGEST ON. EVEN WHILE SLEEPING PETITIONERS ARE CONSIDERABLY LESS THAN 6 FEET APART.

(B)

GROUND ONE WAS SUPPORTED AND PRESENTED IN THE FILED MOTION.
14. N/A

REQUEST FOR RELIEF

PETITIONER REQUESTS A TEMPORARY RESTRAINING ORDER REQUIRING THAT THE RESPONDENTS RELEASE HIM ON HIS OWN RECOGNIZANCE AND REFRAIN FROM RE-DETAINING HIM FOR THE PENDENCY OF HIS CRIMINAL PROCEEDINGS.

DECLARATION UNDER PENALTY OF PERJURY

THIS PETITION WAS PLACED IN HARRIS COUNTY JAIL MAIL SYSTEM ON SUNDAY APRIL 12, 2020

I DECLARE UNDER PENALTY OF PERJURY THAT I AM THE PETITIONER, I HAVE WRITTEN, RE-READ AND PROOFED THIS PETITION AND THE INFORMATION IS TRUE AND CORRECT. I UNDERSTAND THAT A FALSE STATEMENT OF A MATERIAL MAY SERVE AS BASIS FOR PROSECUTION FOR PERJURY.

DATE 04/12/2020

Ronald J. Garcia-Delos II
SIGNATURE OF PETITIONER